

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0150-MSW-E TCEQ ID: RN105126585 CASE NO.: 32503**  
**RESPONDENT NAME: J & C Construction, Inc.**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> J &amp; C Construction, 606 ½ South 17<sup>th</sup> Street, McAllen, Hidalgo County</p> <p><b>TYPE OF OPERATION:</b> Construction</p> <p><b>SMALL BUSINESS:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 4, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b> TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Jorge Luis Diaz, Owner, J &amp; C Construction, Inc., 606 ½ South 17<sup>th</sup> Street, McAllen, Texas 78501-5215</p>		

DOCKET NO.: 2007-0150-MSW-E

## VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> December 1, 2006</p> <p><b>Date of NOE Relating to this Case:</b> January 19, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. One violation was documented. An additional case has been initiated against the landowner of where the waste was disposed of. Cleanup will be required by the landowner of the unauthorized disposal site.</p> <p><b>WASTE</b></p> <p>Failed to prevent the transportation and disposal of municipal solid waste at an unauthorized solid waste landfill site [30 TEX. ADMIN. CODE §§ 330.15(c) and 330.103(b)].</p>	<p><b>Total Assessed:</b> \$1,000</p> <p><b>Total Deferred:</b> \$200  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$800</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately after the effective date of the Agreed Order, begin transporting and disposing all municipal solid waste to an appropriate authorized landfill or facility; and</p> <p>b. Within 30 days after the effective date of the Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	29-Jan-2007	PCW	1-Feb-2007	Screening	31-Jan-2007	EPA Due	
-------	----------	-------------	-----	------------	-----------	-------------	---------	--

## RESPONDENT/FACILITY INFORMATION

Respondent	J & C Construction, Inc.		
Reg. Ent. Ref. No.	RN105126585		
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	32503	No. of Violations	1	
Docket No.	2007-0150-MSW-E	Order Type	1660	
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Libby Hogue	
Multi-Media		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$1,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 0% Enhancement Subtotals 2, 3, & 7 **\$0**

Notes Respondent does not have any other enforcement actions having occurred within the last five years.

**Culpability** No 0% Enhancement Subtotal 4 **\$0**

Notes Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 **\$0**

Before NOV NOV to EDPRP/Settlement Offer  
Extraordinary  
Ordinary  
N/A X (mark with x)

Notes The Respondent does not meet the good faith criteria.

0% Enhancement\* Subtotal 6 **\$0**  
Total EB Amounts \$2,179  
Approx. Cost of Compliance \$2,500  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal **\$1,000**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$1,000**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty **\$1,000**

**DEFERRAL** 20% Reduction Adjustment **-\$200**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$800**

Screening Date 31-Jan-2007

Docket No. 2007-0150-MSW-E

PCW

Respondent J &amp; C Construction, Inc.

Policy Revision 2 (September 2002)

Case ID No. 32503

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN105126585

Media [Statute] Municipal Solid Waste

Enf. Coordinator Libby Hogue

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Respondent does not have any other enforcement actions having occurred within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

Screening Date 31-Jan-2007

Docket No. 2007-0150-MSW-E

PCW

Respondent J &amp; C Construction, Inc.

Policy Revision 2 (September 2002)

Case ID No. 32503

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN105126585

Media [Statute] Municipal Solid Waste

Enf. Coordinator Libby Hogue

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 330.15(c) and 330.103(b)

Violation Description

Failed to prevent the transportation and disposal of municipal solid waste at an unauthorized solid waste landfill site. Specifically, on December 1, 2006, TCEQ investigator observed a truck load of municipal solid waste being transported and disposed of at an unauthorized landfill site located approximately 0.5 miles north of the intersection of Inspiration Road and 8 Mile Line North in Mission, Hidalgo County, Texas.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended from investigation to screening.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2,179

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

## Economic Benefit Worksheet

**Respondent** J & C Construction, Inc.  
**Case ID No.** 32503  
**Reg. Ent. Reference No.** RN105126585  
**Media** Municipal Solid Waste  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal	\$5,000	1-Dec-2006	30-Sep-2007	0.8	\$104	\$2,075	\$2,179
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to transport and dispose of municipal solid waste to an authorized landfill site(s). Date required is the date violation documented by the TCEQ. Final date is the date respondent is expected to come into compliance.

Approx. Cost of Compliance

\$2,500

TOTAL

\$2,179

# Compliance History

Customer/Respondent/Owner-Operator:	CN603150103	J&C Construction, Inc.	Classification:	Rating:
Regulated Entity:	RN105126585	J&C CONSTRUCTION	Classification:	Site Rating:
	MUNICIPAL SOLID WASTE DISPOSAL	PERMIT		HAT0036
ID Number(s):				
Location:	606 1/2 S 17TH ST, MCALLEN, TX, 78501			
TCEQ Region:	REGION 15 - HARLINGEN			
Date Compliance History Prepared:	February 07, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 29, 2002 to January 29, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Libby Hogue	Phone:	512-239-1165	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 01/22/2007 (534457)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- F. Environmental audits.  
N/A
- G. Type of environmental management systems (EMSs).  
N/A
- H. Voluntary on-site compliance assessment dates.  
N/A
- I. Participation in a voluntary pollution reduction program.  
N/A
- J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
J & C CONSTRUCTION, INC.  
RN105126585**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0150-MSW-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding J & C Construction, Inc. ("J & C Construction") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and J & C Construction appear before the Commission and together stipulate that:

1. J & C Construction owns and operates a construction business located at 606 ½ South 17<sup>th</sup> Street, McAllen, Hidalgo County, Texas. J & C Construction transported municipal solid waste to an unauthorized disposal site located 0.5 miles north of the intersection of Inspiration Road and 8 Mile Line North in Mission, Hidalgo County, Texas (the "Site").
2. The Site involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and J & C Construction agree that the Commission has jurisdiction to enter this Agreed Order, and that J & C Construction is subject to the Commission's jurisdiction.
4. J & C Construction received notice of the violations alleged in Section II ("Allegations") on or about January 24, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by J & C Construction of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



6. An administrative penalty in the amount of One Thousand Dollars (\$1,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). J & C Construction has paid Eight Hundred Dollars (\$800) of the administrative penalty and Two Hundred Dollars (\$200) is deferred contingent upon J & C Construction's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If J & C Construction fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require J & C Construction to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and J & C Construction have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that J & C Construction has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As the generator and transporter of the municipal solid waste, J & C Construction is alleged to have failed to prevent the transportation and disposal of municipal solid waste at an unauthorized solid waste landfill site, in violation of 30 TEX. ADMIN. CODE §§ 330.15(c) and 330.103(b), as documented during an investigation conducted on December 1, 2006.

## **III. DENIALS**

J & C Construction generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

the first of these is the fact that the system is not a simple one, and that the results are not always the same. The second is that the system is not a simple one, and that the results are not always the same.

The third is that the system is not a simple one, and that the results are not always the same. The fourth is that the system is not a simple one, and that the results are not always the same. The fifth is that the system is not a simple one, and that the results are not always the same.

The sixth is that the system is not a simple one, and that the results are not always the same. The seventh is that the system is not a simple one, and that the results are not always the same.

The eighth is that the system is not a simple one, and that the results are not always the same. The ninth is that the system is not a simple one, and that the results are not always the same.

The tenth is that the system is not a simple one, and that the results are not always the same. The eleventh is that the system is not a simple one, and that the results are not always the same.

The twelfth is that the system is not a simple one, and that the results are not always the same. The thirteenth is that the system is not a simple one, and that the results are not always the same.

The fourteenth is that the system is not a simple one, and that the results are not always the same. The fifteenth is that the system is not a simple one, and that the results are not always the same.

### CONCLUSION

The sixteenth is that the system is not a simple one, and that the results are not always the same. The seventeenth is that the system is not a simple one, and that the results are not always the same.

### REFERENCES

The eighteenth is that the system is not a simple one, and that the results are not always the same. The nineteenth is that the system is not a simple one, and that the results are not always the same.

The twentieth is that the system is not a simple one, and that the results are not always the same. The twenty-first is that the system is not a simple one, and that the results are not always the same.

The twenty-second is that the system is not a simple one, and that the results are not always the same. The twenty-third is that the system is not a simple one, and that the results are not always the same.

The twenty-fourth is that the system is not a simple one, and that the results are not always the same. The twenty-fifth is that the system is not a simple one, and that the results are not always the same.

1. It is, therefore, ordered by the TCEQ that J & C Construction pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and J & C Construction's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: J & C Construction, Inc., Docket No. 2007-0150-MSW-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that J & C Construction shall undertake the following technical requirements:
  - a. Immediately after the effective date of the Agreed Order, begin transporting and disposing all municipal solid waste to an appropriate authorized landfill or facility, in accordance with 30 TEX. ADMIN CODE § 330.15; and
  - b. Within 30 days after the effective date of the Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Manager, Waste Section  
Harlingen Regional Office  
Texas Commission on Environmental Quality  
1804 West Jefferson Avenue  
Harlingen, Texas 78550-5247



3. The provisions of this Agreed Order shall apply to and be binding upon J & C Construction. J & C Construction is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If J & C Construction fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, J & C Construction's failure to comply is not a violation of this Agreed Order. J & C Construction shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. J & C Construction shall notify the Executive Director within seven days after J & C Construction becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by J & C Construction shall be made in writing to the Executive Director. Extensions are not effective until J & C Construction receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against J & C Construction in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to J & C Construction, or three days after the date on which the Commission mails notice of the Order to J & C Construction, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.





## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
For the Executive Director

6/27/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

\_\_\_\_\_  
Signature

March 11, 2007  
\_\_\_\_\_  
Date

JORGE LUIS DIAZ  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
J & C Construction, Inc.

OWNER  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Handwritten notes at the top of the page, including a date "10/11/11" and some illegible text.

Main body of handwritten text, appearing to be a letter or report, with several lines of cursive script.

10/11/11

10/11/11

Handwritten signature or initials.

10/11/11

Handwritten notes at the bottom of the page, including a date "10/11/11" and some illegible text.